



HARNESS, DICKEY & PERCE  
ATTORNEYS AND COUNSELORS  
P.O. BOX 828  
BLOOMFIELD HILLS, MICHIGAN 48303  
U.S.A.

08/082846

TELEPHONE  
(313) 641-1600

TELEFACSIMILE  
(313) 641-0270



Date: June 28, 1993

Hon. Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Re: Inventor(s): Hunein F. Maassab and Martha Louise Herlocher

For: Cold-Adapted Influenza Virus

Atty. Docket No.: 2115-00257

Sir:

Transmitted herewith for filing is the above referenced patent application.

1. ☒ \_\_\_\_\_ formal / 2 informal sheets of drawings showing Figures 1-2 are enclosed.
2. ☒ An unsigned Verified Statement Claiming Small Entity Status is enclosed.
- 3a. ☐ A check is enclosed to cover the fees as calculated below. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- 3b. ☐ The fees calculated below will be paid within the time allotted for completion of the filing requirements.
- 3c. ☒ The fees calculated below are to be charged to Deposit Account No. 08-0750. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to said Deposit Account. A duplicate copy of this sheet is enclosed.

FILING FEE	Number		Number		Basic Fee	
CALCULATION	Filed		Extra	Rate	\$710.00	
Total Claims	17	- 20 =	0	× \$22.00 =	0.00	
Independent Claims	10	- 3 =	7	× \$74.00 =	518.00	
Multiple Dependent Claim(s) Used				\$230.00 =	0.00	
FILING FEE - NON-SMALL ENTITY						1,228.00
FILING FEE - SMALL ENTITY (If enclosed, divide by 2)						614.00
Assignment Recordal Fee (\$40.00)						0.00
37 C.F.R. §1.17(k) Fee (non-English application)						0.00
TOTAL						614.00

Date: June 18, 1993

4. ☐ An Assignment of the invention is enclosed. The required cover sheet under 37 C.F.R. §3.11, §3.28 and §3.41 is attached.
5. ☒ A signed Oath/Declaration ☐ is enclosed ☒ will be filed in accordance with 37 C.F.R. 1.63.
6. ☐ Priority based on \_\_\_\_\_ Application No. \_\_\_\_\_, filed \_\_\_\_\_, is claimed.
7. ☐ A copy of the above referenced priority document ☐ is enclosed ☐ will be filed in due course, pursuant to 35 U.S.C. §119.
8. ☐ Because the enclosed application is in a non-English language, a verified English translation for examination purposes of same ☐ is enclosed ☐ will be filed as soon as it is available.
9. ☐ A Preliminary Amendment is enclosed.
10. ☐ An Information Disclosure Statement, \_\_\_\_\_ sheets of PTO Form 1449, and \_\_\_\_\_ patent(s)/publications/documents are enclosed.
11. ☐ An Establishment of Assignee's Right To Prosecute Application Under 37 C.F.R. § 3.73(b), and Power Of Attorney is enclosed.
12. ☒ An Express Mailing Certificate is enclosed.
13. ☒ Statement in Support of Submission with copy of Sequence Listing diskette and postcard.

Attention is directed to the fact that the address of this firm has been designated as the correspondence address for this application.

Respectfully,



Anna M. Lewak  
Reg. No. 33,006



**HARNESS, DICKEY & PIERCE**  
ATTORNEYS AND COUNSELORS  
P.O. BOX 828  
BLOOMFIELD HILLS, MICHIGAN 48303  
U.S.A.

TELEPHONE  
(313) 641-1600

TELEFACSIMILE  
(313) 641-0270

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

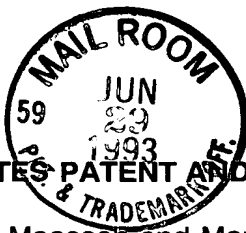
Sir:

**CERTIFICATE OF HAND-FILING**

Applicants:	Hunein F. Maassab and Martha Louise Herlocher
For:	Cold-Adapted Influenza Virus
Attorney:	Anna M. Lewak
Docket No:	2115-00257
Date of Hand-Filing:	June 29, 1993

I hereby certify and verify that the accompanying: Transmittal Letter (+ copy); Patent Application (180 pages); 2 sheets of Informal Drawings; Declaration and Power of Attorney (unsigned); Verified Statement (unsigned); Statement in Support of Submission of Sequence Data (with copy of Sequence Listing and Diskette); return post card and this Certificate of Hand Filing are being hand-filed by Cantwell and Paxton, on the date indicated above, to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
\_\_\_\_\_  
Signature of Person Hand-Filing Documents



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) or Patentee: Hunein F. Maassab and Martha Louise Herlocher  
Serial or Patent No.:  
Filed or Issued:  
For: Cold-adapted Influenza Virus

Attorney Docket No.:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of Michigan

ADDRESS OF ORGANIZATION: 475 E. Jefferson, Room 2354  
Ann Arbor, Michigan 48109-1248

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in The United States of America  
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
(Name of state: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled

by inventor(s) Hunein F. Maassab and Martha Louise Herlocher described in

**COLD-ADAPTED INFLUENZA VIRUS**

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_ filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

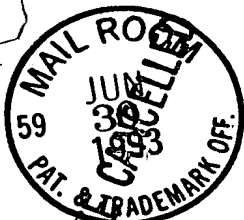
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Robert L. Robb

Title in Organization: Director, Intellectual Properties Office

Address of Person Signing: 475 E. Jefferson, Room 2354  
Ann Arbor, Michigan 48109-1248

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



#2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Art Unit: )  
)  
Examiner: )  
)  
Inventors: Hunein F. Maassab and )  
Martha Louise Herlocher )  
)  
Serial No: )  
)  
Filed: )  
)  
For: COLD-ADAPTED INFLUENZA VIRUS )

STATEMENT IN SUPPORT  
OF SUBMISSION OF  
SEQUENCE DATA

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I, Anna M. Lewak, am an attorney with the firm of Harness, Dickey and Pierce, counsel for Applicant in the above-entitled application and am registered to practice before the United States Patent and Trademark Office.

I hereby state that the content of the computer readable form (diskette) is the same as the paper copy of the Sequence Listing set forth in the Specification, which are both submitted herewith.

Respectfully submitted,

HARNESS, DICKEY & PIERCE  
Attorneys for Applicant

Date: June 21, 1993

By: Anna M. Lewak  
Anna M. Lewak  
Reg. No. 33,006

P.O. Box 828  
Bloomfield Hills, MI 48303  
(313) 641-1600  
AML:rms  
Attorney Docket No. 2115-00257